





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 8**  
**999 18<sup>TH</sup> STREET - SUITE 300**  
**DENVER, CO 80202-2466**  
**Phone 800-227-8917**  
**<http://www.epa.gov/region08>**

Docket No.: TSCA-08-2002-02

IN THE MATTER OF:

Gates Rubber Company	)	
990 S. Broadway	)	<b>CONSENT AGREEMENT</b>
Denver, CO 80217-5887	)	
<u>Respondent.</u>	)	

Complainant, United States Environmental Protection Agency, Region VIII, and Respondent, Gates Rubber Company by its undersigned representatives, hereby consent and agree as follows:

1. The United States Environmental Protection Agency (EPA), Region VIII, initiated this proceeding pursuant to Section 15 of the Toxic Substances Control Act (TSCA), 15 U.S.C. Section 2614.
2. This Consent Agreement shall apply to and be binding upon Respondent, its officers, directors, servants, employees, agents, successors and assigns, including, but not limited to, subsequent purchasers.
3. Respondent, stipulates that EPA has jurisdiction over the subject matter alleged in the Complaint and Respondent waives any defenses it might have as to jurisdiction and venue, and, without admitting or denying the factual allegations contained in the Complaint, consents to the terms of this Consent Agreement.
4. Respondent hereby waives its right to a judicial or administrative hearing on any issue of law or fact set forth in the Complaint.
5. Respondent has demonstrated to the satisfaction of EPA that it has achieved compliance with the requirements that formed the basis of the Complaint.



6. Respondent, by executing this Consent Agreement, hereby certifies to EPA that it is now in compliance with each of the relevant provisions of Section 15 of TSCA, 15 U.S.C. Section 2614.

7. Complainant agrees to settle this matter for one hundred and seven thousand nine hundred and fifty dollars (\$107,950).

8. Respondent consents to the payment of a civil penalty in the amount of one hundred and seven thousand nine hundred and fifty dollars (\$107,950).

9. Within thirty (30) days of receiving a copy of the Final Order in this matter,

10. Respondent shall submit a cashier's or certified check, to the order of the "Treasurer, United States of America," in the amount of one hundred and seven thousand nine hundred and fifty dollars (\$107,950) to:

U.S. EPA, Region VIII  
(Regional Hearing Clerk)  
P.O. Box 360859M  
Pittsburgh, PA 15251

Respondent shall provide a copy of the check to:

Ms. Tina Artemis, RC and  
Regional Hearing Clerk  
U.S. EPA, Region VIII  
999 18th Street, Suite 300  
Denver, Colorado 80202-2466

Brenda L. Morris, 8LEP  
Legal Enforcement Program  
U.S. EPA, Region VIII  
999 18th Street, Suite 300  
Denver, Colorado 80202-2466

Interest and late charges shall be paid as specified in paragraph 11 herein.

10. The penalty specified in Paragraph 8, above, shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal taxes.

11. Respondent further agrees and consents that if Respondent fails to pay the penalty amount within 30 days of receipt of the Final Order, interest on the penalty amount shall accrue at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717. A late payment charge of fifteen dollars (\$15.00) shall be imposed after the first 30 days that the payment, or any portion thereof, is overdue, with an additional charge of fifteen dollars (\$15.00) imposed for each subsequent 30-day period until the payment due is made. In addition, a six percent (6%) per annum penalty shall be applied on any principal amount not paid within 90 days after receipt of the final order.

12. Nothing in this Agreement shall relieve Respondent of the duty to comply with TSCA and its implementing regulations. This Agreement does not release Respondent from criminal liability under any federal statute. Nor does this Agreement relieve Respondent of liability relating to any imminent and substantial endangerment to public health or welfare or the environment. Notwithstanding the foregoing, this Consent Agreement constitutes a settlement and release by EPA of all claims for civil penalties pursuant to TSCA for the violations alleged in the Complaint.

13. Each undersigned representative of the parties to this Consent Agreement certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this Consent Agreement and to execute and legally bind that party to it.

14. Each party shall bear its own costs and attorneys fees in connection with the action resolved by this Consent Agreement.

**In The Matter Of: Gates Rubber Co.**  
**Docket No.: TSCA-08-2002-02**

**UNITED STATES**  
**ENVIRONMENTAL PROTECTION AGENCY**  
**REGION VIII, Office of Enforcement, Compliance**  
**and Environmental Justice, Complainant.**

Date: 01/09/03

By: SIGNED  
David J. Janik  
Supervisory Enforcement Attorney  
Legal Enforcement Program

Date: 01/09/03

By: SIGNED  
Martin Hestmark, Director  
Technical Enforcement Program

Date: 01/09/03

By: SIGNED  
Brenda L. Morris, Attorney  
Legal Enforcement Program

**GATES RUBBER COMPANY ,**  
**Respondent .**

Date: 01/08/03

By: BRIAN J. HARRIS.  
(Signature of authorized person/Title)

\_\_\_\_\_  
Print Name of Signatory

## **CERTIFICATE OF SERVICE**

The undersigned certifies that the original of the attached **CONSENT AGREEMENT/FINAL ORDER** in the matter of **GATES RUBBER CO., DOCKET NO.: TSCA-08-2002-02** was filed with the Regional Hearing Clerk on January 13, 2003

Further, the undersigned certifies that a true and correct copy of the document was delivered to Brenda Morris, Enforcement Attorney, U.S. EPA - Region VIII, 999 18th Street - Suite 300, CO 80202-2466. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt to:

Michael D. Taber  
Colorado Bar N. 11545  
Gates Rubber Co.  
900 S. Broadway  
P. O. Box 5887  
Denver, CO 80217-5887

January 13, 2003

SIGNED  
\_\_\_\_\_  
Tina Artemis  
Regional Hearing Clerk